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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,329	02/13/2001	Mitchell Kriegman	F.11152	9809

27957 7590 07/26/2005

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EXAMINER

TRAN, TRANG U

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/782,329

Applicant(s)

KRIEGMAN, MITCHELL

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 03, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 6 are objected to because of the following informalities:

The statuses of claims 1 and 6 should be changed to "canceled". Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments filed May 03, 2005 have been fully considered but they are not persuasive.

In re page, applicant argues that the aforementioned portion of Tzidon, nor any other portion of Tzidon, teaches or even suggests attaining interference-free interaction between two or more puppets, or two or more puppet images, in order to provide enhancement of realistic action images of a puppetry video/film production.

In response, the examiner respectfully disagrees. Tzidon et al discloses in col. 5, lines 41-44 that "The video system described above, including one or both of the virtual shadow or object location can be combined of the virtual shadow or object location can be combined with a system for prompting actors in a blue screen environment". It is clear that the actors are combined based on the depth value (Z value). The claimed wherein said composite images are integrated by separate compositing modules, so that each composite image appears within an allocated portion of a given image frame, and each allocated portion of said the image frame is adjusted relative to one another to create depth and/or perspective of one composite image relative to the other is anticipated by the combination of actors based on the depth value (Z value) disclosed in

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col. 5, lines 1-44 of Tzidon et al and the claimed wherein each allocated portion of said the image frame is adjusted relative to one another to create interaction and/or complimentary action of one puppet character from one composite image with another puppet character from another composite image with a give image frame is met by the combination of actors based on the depth value (Z value) disclosed in col. 5, lines 1-44 of Tzidon et al when Tzidon et al and Mellow are combined.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzidon et al (US Patent No. 5,737,031) in view of Mellow (US Patent No. 3,691,676).

In considering claim 14, Tzidon et al discloses all the claimed subject matter, note 1) the claimed a virtual production set, including a key-colored background screen, a stage and at least one action puppet character manipulated by puppeteers on said virtual production set is met by the virtual set database and the keyer foreground of Fig. 2 (col. 3, line 30 to col. 4, line16), 2) the claimed at least two (2) cameras, each of said cameras being positioned relative an action puppet character to record, in real-time, at least two action images of said puppet character on said virtual production set, each of said images being taken at the same time from a different camera angle is met by the three cameras 120 positioned in a triangle pointing to the center of the stage to capture

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the contour of the foreground object 102 from three different directions (Figs. 6 and 7, col. 5, lines 1-44), 3) the claimed means for simultaneously compositing of each of said composite images in a multiple composite image is met by the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44), 4) the claimed wherein said composite images are integrated by separate compositing modules, so that each composite image appears within an allocated portion of a given image frame, and each allocated portion of said the image frame is adjusted relative to one another to create depth and/or perspective of one composite image relative to the other is met by keyer talent contour position 1-3 and the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44), and 5) the claimed wherein each allocated portion of said the image frame is adjusted relative to one another to create interaction and/or complimentary action of one puppet character from one composite image with another puppet character from another composite image with a given image frame is met by keyer talent contour position 1-3 and the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44).

However, Tzidon et al explicitly does not discloses 1) the claimed means for simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate; and 2) the claimed at least one action puppet character manipulated by puppeteers on said virtual production set, said action puppet character being positioned on a support structure, said support structure being arranged to provide a desired vertical location on said key-colored background screen for said action puppet character and including the use of diffused lighting in said support structure to eliminate shadows on said virtual production set.

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1) the capability for simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate into Tzidon et al's system in order to increase the visualization of the video signal by combining the foreground with the virtual or background image.

2) Mellow teaches that in operation, the operator positions himself at the upper end of the board and a camera, projector or the like is pointed generally in a perpendicular direction towards character 20, thereafter, the operator manipulates the various character features defined by the first and second animation means to animate movements of the character, **to prevent distracting shadows and to simulate the true cartoon, it is preferred to paint all parts deep black** and to define the character's outline and animated features by white lines or vice versa, adequate lighting is of course necessary, with reverse polarity photography, the outline color actually seen can be reversed from that on puppet 12 (Figs. 1-3, col. 4, line 52 to col. 7, line 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the puppet character manipulated by puppeteers as taught by Mellow into Tzidon et al's system in order to provide an animated puppet which is relatively easy to operate and which can be employed for making animated cartoons without distractive restrictions in the movement of the character, undesirable

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character changes due to structural weaknesses of the puppet (col. 1, lines 50-55 of Mellow).

Claim 15 is rejected for the same reason as discussed in claim 14 above.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT  
July 20, 2005

  
JOHN MILLER  
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